

REMARKS/ARGUMENTS

Claims 1-9, 12, 15-25, 27, 28-30, 32-42, 44, 47-61, and 63-64 are pending. The Office Action rejects all pending claims under 35 U.S.C. §103(a) as unpatentable over Edelmann (U.S. Pat 4,757,337) in view of Herbert (U.S. Pub. 2002/0087493). These rejections are respectfully traversed.

Interview Summary

Applicants thank the Examiner for the courtesy extended to Applicants' undersigned representative during the personal interview conducted on December 5, 2008. The interview summary as suggested by M.P.E.P. §713.04 is provided below.

- (A) No exhibits or demonstrations were shown or conducted.
- (B) Claim 1 was discussed.
- (C) Herbert (U.S. 2002/0087493) was discussed.
- (D) The Examiner suggested Amendments as presented herein to further describe claim features discussed during the interview.
- (E) Applicants' representative argued that Herbert does not disclose a mail item bearing sensitive information that is not readable by a postage service, including specific arguments consistent with those presented herein.
- (F) No other pertinent matters were discussed.
- (G) The Examiner agreed that the arguments and amendments presented herein appeared to overcome the pending rejections.
- (H) The interview was not conducted via e-mail.

35 U.S.C. §103 Rejections

To support a *prima facie* case of obviousness, the Examiner must demonstrate that each feature recited in the claims is found in the cited art, or provide explicit reasoning to support the finding that the features would be obvious to one of skill in the art at the time the invention was made. *See* M.P.E.P. §§ 2141, 2142. The Office Action asserts that each feature recited in the claims is described by Edelmann or Herbert. Applicants respectfully disagree.

Claim 1 recites, *inter alia*:

validating a postage imprint associated with a mail item in a mail item stream, the **mail item bearing sensitive information**...;

presenting at least one of the spoiled mail item and the associated postage imprint to a postage service, so that the **sensitive information is not readable by the postage service**.

Independent claim 34 recites similar features. The Office Action admits that Edelmann fails to disclose presenting at least one of the spoiled mail item and the associated postage imprint to a postage service, so that the sensitive information is not readable by the postage service, but asserts that this feature is described in Herbert.

However, as described in the Amendment filed June 20, 2008 and explained during the interview, Herbert specifically indicates that a postal authority can decrypt the cryptographic token and, therefore, read the encrypted information. ¶0035. That is, *both* the plain text and cryptographic token are readable by the postal authority. Even if Herbert's indicium is correctly interpreted as including sensitive information, which Applicants do not concede, any such information is readable by the postal authority. For at least this reason, Herbert fails to disclose or suggest a **mail item bearing sensitive information**, where the sensitive information is **not readable by a postage service** as recited in the independent claims. Further deficiencies of Herbert are explained in the June 20, 2008 Amendment.

As suggested by Examiner Koyama during the interview, the independent claims are amended to indicate that the postage imprint is used by the postage service when making a determination or authenticating a mail item, since the sensitive information is not readable by the postage service.

For at least the reasons presented herein and in the June 20 Amendment, Herbert fails to disclose a mail piece bearing sensitive information as required by independent claims 1 and 34. The dependent claims are allowable for at least the same reasons as the independent claims, and are patentable for additional reasons. Withdrawal of the rejections and reconsideration of all pending claims is respectfully requested.

Appl. No. 10/529,272
Amtd. dated December 17, 2008
Reply to Office Action of September 17, 2008

PATENT
Attorney Docket No.: 26978A-002710US
Client Ref. No.: 59024

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9900.

The Commissioner is authorized to charge any fees due or credit any overpayment to the deposit account of Townsend and Townsend and Crew LLP, Deposit Account No. 20-1430.

Respectfully submitted,

/ASKamlay/
Aaron Kamlay
Reg. No. 58,813

DATE: December 17, 2008

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 202-481-9900
Fax: 415-576-0300
AK:lrd
61534859 v1